

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P27563/DE-SE	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/003520	International filing date (day/month/year) 02.04.2004	Priority date (day/month/year) 03.04.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant ZUMTOBEL STAFF GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>11</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising:	
a.	<input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	
b.	<input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items:	
	<input checked="" type="checkbox"/> Box No. I	Basis of the report
	<input type="checkbox"/> Box No. II	Priority
	<input checked="" type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
	<input checked="" type="checkbox"/> Box No. IV	Lack of unity of invention
	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<input type="checkbox"/> Box No. VI	Certain documents cited
	<input type="checkbox"/> Box No. VII	Certain defects in the international application
	<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-8 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-27 _____ received by this Authority on 21.12.2004 with
- nos.* 28 _____ received by this Authority on telefax
- 14.03.2005 with letter
- of 14.03.2005
- ☒ the drawings:
- sheets 1/2-2/2 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 28

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 28
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 28

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with.
 - ☐ not complied with for the following reasons:

See supplemental sheets.

4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☐ the parts relating to claims Nos. _____

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	3, 5, 12, 13, 18-23, 25-27	YES
	Claims	1, 2, 4, 6-11, 14-17, 24	NO
Inventive step (IS)	Claims		YES
	Claims	1-27	NO
Industrial applicability (IA)	Claims	1-27	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1 This report makes reference to the following documents:			
D1: US 3 600 570 A (OKADA MIZUO) 17 August 1971 (1971-08-17)			
D2: EP 0 903 535 A (SEMPERLUX GMBH) 24 March 1999 (1999-03-24)			
D3: US 2 143 148 A (GUTH EDWIN F) 10 January 1939 (1939-01-10)			
D4: US-A-3 179 797 (KURT FRANCK) 20 April 1965 (1965-04-20)			
D5: DE 100 44 455 A (OSRAM OPTO SEMICONDUCTORS GMBH) 4 April 2002 (2002-04-04)			
D6: GB 494 724 A (GILBERT ALLOM) 28 October 1938 (1938-10-28)			
2 INDEPENDENT CLAIM 1			
2.1 The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 lacks novelty within the meaning of PCT Article 33(2).			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

D1 discloses (the reference signs in parentheses refer to D1):

a light-influencing element for guiding the light emitted from a light source into a predetermined angular range, the light-influencing element having a multitude of rib-like louver elements that have reflecting side walls (see observation below) and are arranged in a regular structure, the louver elements having a maximum height of 5 mm (see column 2, line 50 and column 3, line 40).

Consequently, the subject matter of claim 1 lacks novelty.

Observation: Figure 7 shows a light-influencing element, the light being guided by means of reflections on the walls of the louver elements (see column 3, lines 48 to 51). Consequently, these louver elements have reflecting side walls.

3 INDEPENDENT CLAIM 4

3.1 The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 4 lacks novelty within the meaning of PCT Article 33(2).

D2 discloses (the reference signs in

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

parentheses refer to D2):

a light-influencing element (see figures 6 and 7) for guiding the light emitted by a light source (3) into a predetermined angular range, the light-influencing element having a multitude of rib-like louver elements (2) that have reflecting side walls (8 and observation below) and are arranged in a regular structure, said structure consisting of a transparent base plate (28), on one of the flat sides of which the louver elements (2) are arranged.

Observation: Figures 6 and 7 show a light-influencing element, the light being guided by means of total reflections on the walls of the louver elements (see column 5, lines 17 to 21). Consequently, these louver elements have reflecting side walls.

3.2 D3 also discloses all of the features of claim 4.

3.3. Consequently, the subject matter of claim 4 lacks novelty.

4 DEPENDENT CLAIMS 2, 3, 5-23-27
Claims 2, 3, 5-23-27 contain no features that, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step;

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

see documents D1 to D5 and the corresponding
text passages cited in the search report.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box III

Independent claim 29 was submitted during the examination and therefore it was not possible to conduct a search with respect thereto.

Furthermore, claim 28 lacks clarity because the wording of the claim does not disclose the subject matter in a clear manner. This results in doubts with respect to the definition of the subject matter of claim 28.

Consequently, no examination has been carried out with respect to this claim 28.

Supplemental Box

Box IV

The different inventions or groups of inventions are:

- I. First invention: claims 1-3, 9-14, 15-19, 20, 21-23, 24-27
a light-influencing element that has a multitude of rib-like louver elements having a maximum height of 5 mm.
- II. Second invention: claims 4-8, 9-14, 15-19, 20, 21-23, 24-27
a light-influencing element that has a multitude of rib-like louver elements and consists of transparent base plates.

For the following reasons, these inventions or groups of inventions are not so linked as to form a general inventive concept (PCT Rule 13.1):
GB494724 (D6) discloses a lamp having a light source and a light-influencing element associated with the light source.

1. The subject matter of claim 1 of the present application differs from the prior art in that the louver elements have a maximum height of 5 mm.

Therefore, the special technical feature of the claim is the maximum height of the louver elements. The problem solved thereby

Supplemental Box

is that of producing a flat lamp that protrudes only slightly from the walls.

2. The subject matter of claim 4 of the present application differs from the prior art in that the louver elements are arranged on a transparent base plate.

Therefore, the special technical feature of claim 4 is the transparent base plate. The problem solved thereby is that of producing a rigid structure that closes the lamp housing.

The two different inventions indicated above do not share any special technical features and are not so linked as to form a single general inventive concept. For this reason, there is no technical relationship within the meaning of PCT Rule 13.2. Consequently, the requisite unity of invention (PCT Rule 13.1) is not established.

In this report, an examination was carried out for all of the claims except claim 29 (see Box III).